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Plaintiffs PALO ALTO NETWORKS, INC.  
AND PATRICK BROGAN

**\*E-FILED - 1/21/10\***

10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN JOSE DIVISION**

13 FORTINET, INC.,

14 Plaintiff,

15 v.

16 PALO ALTO NETWORKS, INC., and  
17 PATRICK R. BROGAN,

18 Defendants.

19 \_\_\_\_\_  
20 AND RELATED COUNTERCLAIMS.  
21 \_\_\_\_\_

CASE NO.: 09-CV-00036-RMW

**STIPULATION AND []  
ORDER FOR LEAVE TO FILE  
SECOND AMENDED COMPLAINT**

22 WHEREAS Plaintiff and Counterclaim Defendant Fortinet, Inc. ("Fortinet") is the  
23 assignee of U.S. Patent No. 7,173,311 ("the '311 patent"), issued February 13, 2007, and U.S.  
24 Patent No. 7,580,974 ("the '974 patent"), issued August 25, 2009;

25 WHEREAS Fortinet desires to file its Second Amended Complaint attached hereto as  
26 Exhibit A solely to assert these two additional patents;

1 WHEREAS Fortinet makes this request to amend in good faith and out of a desire to  
2 conserve judicial and parties' resource, as the technology at issue in the '311 patent and the '974  
3 patent is similar to that already at issue in this case;

4 WHEREAS Defendant and Counterclaim Plaintiff Palo Alto Networks, Inc. ("Palo Alto  
5 Networks") does not oppose Fortinet filing a Second Amended Complaint to assert the '311 and  
6 '974 patents;

7 WHEREAS Fortinet does not oppose an extension of Palo Alto Networks' deadline to  
8 respond to the Second Amended Complaint until 20 days after completion of the  
9 ENE/mediation scheduled for January 25-26, 2010, should the ENE/mediation be unsuccessful  
10 in resolving the dispute between the parties;

11 IT IS HEREBY STIPULATED by and between the parties, through their respective  
12 counsel undersigned, that:

13 Fortinet shall have leave to file a Second Amended Complaint attached hereto as Exhibit  
14 A pursuant to Federal Rule of Civil Procedure 15(a)(2) to assert the '311 and '974 patents, and  
15 Palo Alto Networks shall have until 20 days after completion of the ENE/mediation scheduled  
16 for January 25-26, 2010, to respond to the Second Amended Complaint.

17 Dated: January 11, 2010

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

18 By: /s/ Stefani E. Shanberg  
19 Stefani E. Shanberg

20 Attorneys for Plaintiff and Counterclaim  
21 Defendant FORTINET, INC.

22 Dated: January 11, 2010

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

23 By: /s/ Ryan M. Kent  
24 Ryan M. Kent

25 Attorneys for Defendants and Counterclaim  
26 Plaintiffs PALO ALTO NETWORKS, INC.  
AND PATRICK BROGAN

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 DATED: 1/21/10

  
The Honorable Ronald M. Whyte